IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 29042 of 2007(G)

PETITIONER:

P.K. SAJIMON, S/O. RAGHAVAN,
PANNIKKUZHI THADATHIL, HOSDURG TALUK, KASARGODE.

BY ADV. SRI.A.SUDHI VASUDEVAN

RESPONDENTS:

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1. SPECIAL DEPUTY TAHSILDAR (RR), HOSDURG.

2. ASST. EXCISE COMMISSIONER, KASARGODE.

3. THE WELFARE FUND INSPECTDOR,
KERALA TODDY WORKERS WELFARE FUND BOARD,
KANHANGAD P.O., KASARGODE.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD
SRI. K. HARILAL, SC, TWWA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 29042 of 2007

Dated this the Ist October, 2007

J U D G M E N T

The contention of the petitioner is that amount in excess of his liability has already been paid. It is on that basis, the petitioner seeks an order directing the 3rd respondent to pass final determination order for the year 2006-2007 in respect of Toddy Shop No. 11 (Karivellur) in Payyannur Range.

2. Learned Standing Counsel who appeared on notice submits that the amount of Rs.87,000/- pointed out by the petitioner has been deposited to the Government towards salary advance and same cannot be taken note of in the proceedings under Toddy Workers Welfare Fund Act. According to the Learned Counsel for the respondents amount is still due from the petitioner.

3. Be that as it may, it is the specific contention of the petitioner that he has made substantial payments and therefore the finality is required to be given. Considering the fact that the final determination order has not been passed in this matter and that in the mean while demand has been raised by Exhibit-P5, I dispose of this writ petition directing the 3rd respondent to pass

final determination order in relation to the petitioner's aforesaid Toddy Shop, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. In the mean time, further proceedings pursuant to Exhibit-P5 shall be kept in abeyance. Orders shall be passed with notice to the petitioner.

4. Petitioner also seeks a direction to the 2nd respondent to consider his request for adjustment of Rs.87,000/- deposited by him towards his liability under the Toddy Workers Welfare Fund. Since Toddy Workers Welfare Fund Board is an independent Body even if any amount is available elsewhere that cannot be asked to be adjusted towards the liability to the Board.

Petitioner shall produce a copy of this judgment before the 3rd respondent, for compliance.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007